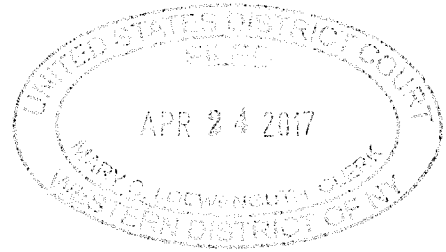


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



GENESEE REGIONAL BANK,

Plaintiff,

v.

MICHAEL DAVIS, JACQUELINE MARIE
SLOAN, and PRIMELENDING, a
PlainsCapital Company,

Defendants.

DECISION AND ORDER

6:17-CV-06251 EAW

Plaintiff Genesee Regional Bank (“Plaintiff” or “GRB”) commenced the above-captioned matter by the filing of a complaint on April 21, 2017, (Dkt. 1), and on that same date, filed a motion seeking a temporary restraining order, expedited discovery, an expedited hearing, and a preliminary injunction. (Dkt. 3).

Plaintiff seeks a preliminary injunction restraining Defendants Michael Davis (“Davis”), Jacqueline Marie Sloan (“Sloan”), and PrimeLending, a PlainsCapital Company (“PrimeLending”) (collectively “Defendants”) from (1) making any use of or disclosing any customer information taken from GRB by Davis and Sloan; (2) permanently deleting or disabling any customer information taken from GRB by Davis and Sloan; (3) disclosing to and notifying GRB of the identities of all GRB customers that have been contacted by Davis or Sloan to solicit business or notifying the person of Davis and/or Sloan’s employment with PrimeLending; (4) for expedited discovery allowing GRB to discover where the information taken by Davis and Sloan

currently resides and the extent to which it has been used or disclosed by Defendants; (5) for costs, disbursements and attorney fees of this action, plus interest thereon; and (6) such other and further relief as the Court deems just and proper.

Plaintiff's motion for an expedited hearing (Dkt. 3) is GRANTED, and, as discussed on the record during a conference call with counsel for all parties today, Defendants shall submit any papers in opposition to Plaintiff's motion for a preliminary injunction and expedited discovery on or before May 8, 2017; Plaintiff shall submit any reply papers on or before May 11, 2017; and the Court will hold oral argument on the motion on May 15, 2017, at 1:00 PM at the United States Courthouse, 100 State Street, Rochester, New York.

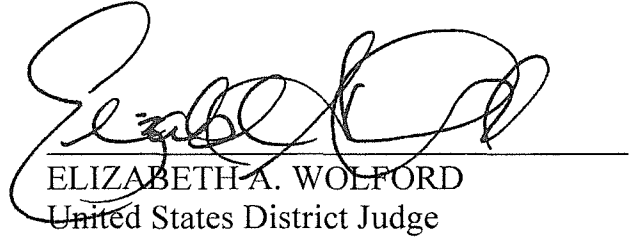
Additionally, for the reasons stated on the record, Plaintiff's motion for a temporary restraining order (Dkt. 3) is hereby GRANTED in part and DENIED in part, and it is hereby

ORDERED, that pending the return date of the motion for a preliminary injunction, or until further Order of this Court, Defendants are temporarily enjoined and restrained from disclosing or making use of the documents and information expressly referenced in the Affidavit of Deanna Moore, sworn to on April 20, 2017, and filed at Docket 3-3, at paragraphs 12 through 16 and 18 through 21, inclusive, and the exhibits referenced therein and attached thereto as Exhibits B through EE; and,

FURTHER, that service of a copy of this Decision and Order, together with the papers upon which the same is granted upon counsel for Defendants, J. Nelson Thomas, Esq., and Anthony J. DiOrio, Esq., by either CM/ECF filing or overnight delivery, on or

before April 26, 2017, shall be deemed good and sufficient service of this Order and the papers upon which the same is granted.

SO ORDERED.



ELIZABETH A. WOLFORD
United States District Judge

Dated: April 24, 2017
Rochester, New York